

## Assembly Bill No. 2359

### CHAPTER 996

An act to amend Section 12307 of the Penal Code, relating to destructive devices.

[Approved by Governor September 27, 2002. Filed  
with Secretary of State September 27, 2002.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 2359, La Suer. Criminal law: destructive devices.

Existing law prohibits the possession of specified destructive devices and requires that any prohibited destructive device be surrendered to the Department of Justice. The department must destroy the device so as to render it unusable and unrepairable as a destructive device.

This bill would allow any prohibited destructive device to be surrendered to the sheriff or chief of police, in addition to the department, if the sheriff or chief of police has elected to perform services related to the removal of destructive devices. The bill would require the sheriff or chief of police to destroy the device so as to render it unusable and unrepairable as a destructive device.

*The people of the State of California do enact as follows:*

SECTION 1. Section 12307 of the Penal Code is amended to read:

12307. The possession of any destructive device in violation of this chapter shall be deemed to be a public nuisance and the Attorney General or district attorney of any city, county, or city and county may bring an action before the superior court to enjoin the possession of any destructive device.

Any destructive device found to be in violation of this chapter shall be surrendered to the Department of Justice, or to the sheriff or chief of police, if the sheriff or chief of police has elected to perform the services required by this section. The department, sheriff, or chief of police shall destroy the destructive device so as to render it unusable and unrepairable as a destructive device, except upon the filing of a certificate with the department by a judge or district attorney stating that the preservation of the destructive device is necessary to serve the ends of justice.

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